

MEMORANDUM OF LAW

DATE: July 29, 1986

TO: Councilwoman Gloria D. McColl

FROM: City Attorney

SUBJECT: Item 335 on Docket of July 29, 1986

By way of a brief memorandum, you inquired whether or not you are precluded from voting on Item 335 since it is an appeal by the law firm of Hillyer and Irwin and you have retained that law firm "from time to time."

California Government Code section 87100 prohibits the participation of a public official in a decision in which he/she has a financial interest. Government Code section 87103 explicitly defines the level and type of financial interest in the decision mandating disqualification. Nothing in your memorandum indicates that you have a financial interest in either the subject of the appeal or the firm of Hillyer and Irwin. Hence, it appears no disqualification is required.

JOHN W. WITT, City Attorney

By

Ted Bromfield

Chief Deputy City Attorney

TB:ls:048.7(x043.2)

ML-86-85